(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 2971 / 2003 Single Bench

Petitioner (Plaintiff) : Sonal Kumar Jain S/o Dhanya Kumar Jain, aged about 30 years R/o Neora, Tehsil Tilda, Dist : Raipur-(C.G.)

(Note : The petitioner is a legal representative of deceased plaintiff Shanti Bai who had originally filed a suit but had died during the pendency of the same. In the order impugned dated 07.07.2003 the name of Shanti Bai has been mentioned, however as she has expired, the petition is being filed by the legal representative Pankaj Kumar Jain.)

P. R. No. 26/5/03 Presented by Shri Vinay Deshmukh dated 16.9.03

Versus

Respondents (Defendants) : 1. Smt. Archna Jain Widow of Late Shri Manoj Jain aged about 33 years, R/o Sasaholi, Tehsil Tilda, Dist : Raipur-(C.G.)

2. State of Chhattisgarh through Collector & Raipur. CG.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(56)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2971 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.09.2003

Heard Shri P. Diwaker, counsel for the petitioner.

By this writ petition under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 07.07.2003 passed by the 3rd Additional District Judge, Raipur, in Misc. Civil Appeal No.4/2003, by which the learned Additional District Judge has rejected the miscellaneous appeal filed by the petitioner against the order of 1st Civil Judge, Class-I, Raipur, rejecting the application of the petitioner filed under Order 39 Rules 1 & 2 read with Section 151 of the Cr.P.C.

The learned Civil Judge vide order Annexure P-6, rejected the application of the petitioner on the ground that no prima facie case is made out in favour of the petitioner and the balance of convenience and irreparable loss is also not made out. On appeal in favour of application by the petitioner, the appellate Court also affirmed the order passed by the trial Court. The learned counsel for the petitioner is not able to point out any illegality or infirmity in the impugned order. Under Article 227 of the Constitution of India, this court has very limited jurisdiction to interfere with the concurrent findings of both the Courts below. If the Court below exercises its jurisdiction, which do not vest in that Court, or exceeded the jurisdiction or pass any order contrary to law, then this Court is entitled to interfere with the subordinate Court's order. The learned counsel for the petitioner is not able to point out as

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2971/ सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to how the subordinate Court failed to exercise the jurisdiction vested in it or exercised the jurisdiction, which is not vested in it or passed the order in disregard of the law. Therefore, I do not find any substance in the writ petition and it is accordingly, dismissed. However, the learned counsel for the petitioner submits that the trial Court be directed to expedite the proceedings of civil suit.

Having heard the learned counsel for the petitioner and having regard to the facts and circumstances of the case, the trial Court is directed to expedite the hearing of civil suit.

In view of this order, M.(W.)P.No.2727/2003 and I.A. No.8866/2003 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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